

(ORIGINAL)

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JURY DEMAND

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UNITED STATES DISTRICT COURT  
LOS ANGELES, CALIFORNIA

Timothy Patrick McLanahan, )  
Plaintiff )

Vs. )

Brad Grey, CEO Paramount Pictures, )  
Defendant )

Paramount Pictures, )  
Defendant )

David Ellison, Skydance Pictures, )  
Defendant )

Skydance Pictures, )  
Defendant )

Tom Cruise, )  
Defendant )

Cruise/Wagner Productions, )  
Defendant )

CV13-09381 BRO (PLAx)

Case No. \_\_\_\_\_

Civil suit for copyright  
infringements, intellectual  
property theft, and age  
discrimination

RECEIVED CLERK, U.S. DISTRICT COURT
DEC 17 2013
CENTRAL DISTRICT OF CALIFORNIA BY: DEPUTY

No CV30  
provided

1	J. Abrams,	)
	Defendant	)
2		)
3	Brian Burke,	)
	Defendant	)
4		)
5	Bad Robot, Inc.,	)
	Defendant	)
6		)
7	Stilking Films,	)
	Defendant	)
8		)
9	Film Works,	)
	Defendant	)
10		)
11	Julie Smythe,	)
	Defendant	)

12 I. Venue and Jurisdiction:

13  
 14 This civil suit is being brought under 28 U.S.C. sec.1331 under a federal  
 15 question issue of violations of the Copyright Act, Title 17, U.S. Code, as  
 16 well as federal age discrimination law. This suit is also being brought under  
 17 diversity of citizenship as the plaintiff is a resident of Washington State, and  
 18 the defendants are residents of the Los Angeles area..

19  
 20 Venue is proper in the U.S. District Court in Los Angeles because this is  
 21 where the defendants reside.

22  
 23 II. Background:

24 In 1998, I had written a screen play called "Head On". After submitting it to  
 25 the U.S. Copyright Office, Head On received a copyright certificate  
 26

1 protecting it's material and author (me) from unauthorized used and invasio  
2 on June 30, 1998.

3 After I sent Head On to the William Morris Agency in Hollywood,  
4 California for them to evaluate the script for a possible movie, I was told by  
5 that agency that they could not use it as a movie. However, shortly  
6 afterwards, five top agents from William Morris broke away to form a new  
7 agency called "Creative Artist Agency" (CAA) in 1975.  
8

9 Although I never authorized my Head On script to be sent to Creative Artist  
10 Agency by William Morris, William Morris still sent the script to CAA and  
11 then shopped the script all around the world, including Tom Cruise's Rick  
12 Nicita, top agent with Creative Artist Agency.  
13

14 Tom Cruise is/was partners with Rick Nicita's wife (Paula Wagner) who did  
15 many production deals with Paramount/CBS/Viacom Corporation.  
16

17 Upon reviewing and watching the script and movie of Ghost Protocol, I  
18 immediately recognized that the scripts for this movie had been illegally  
19 written and produced from Head On's 1998 copyright. Ghost Protocol was  
20 released on December 16, 2010 and this lawsuit is being filed within three  
21 years of when that movie was released.  
22

23  
24 II. Copyright Violation Damages:

25 Section 106 of the copyright law provides the owner of copyright in a work  
26 the exclusive right:

- To reproduce the work in copies;
- To prepare derivative works based upon the work;
- To distribute copies of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- To perform the work publicly;
- To display the copyrighted work publicly
- In the case of sound recordings, to perform the work publicly by means of a digital audio transmission.

In addition, under section 501, the Copyright law provides the following when a copyright is infringed under section 501 of the act:

**“§ 501. Infringement of copyright<sup>3</sup>**

(a) Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through 122 or of the author as provided in section 106A(a), or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright or right of the author, as the case may be. For purposes of this chapter (other than section 506), any reference to copyright shall be deemed to include the rights conferred by section 106A(a). As used in this subsection, the term “anyone” includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this title in the same manner and to the same extent as any nongovernmental entity.

(b) The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of section 411, to institute an action for any infringement of that particular right committed while he or she is the owner of it. The court may require such owner to serve written notice of the action with a copy of the complaint upon any person shown, by the records of the Copyright Office or otherwise, to have or claim an interest in the copyright, and shall require that such notice be served upon any person whose interest is likely to be affected by a decision in the case. The court may require the joinder, and shall permit the intervention, of any person having or claiming an interest in the copyright.

(c) For any secondary transmission by a cable system that embodies a

1 performance or a display of a work which is actionable as an act of  
2 infringement under subsection (c) of section 111, a television broadcast  
3 station holding a copyright or other license to transmit or perform the same  
4 version of that work shall, for purposes of subsection (b) of this section, be  
5 treated as a legal or beneficial owner if such secondary transmission occurs  
6 within the local service area of that television station.

7 (d) For any secondary transmission by a cable system that is actionable  
8 as an act of infringement pursuant to section 111(c)(3), the following shall  
9 also have standing to sue: (i) the primary transmitter whose transmission has  
10 been altered by the cable system; and (ii) any broadcast station within whose  
11 local service area the secondary transmission occurs.

12 (e) With respect to any secondary transmission that is made by a  
13 satellite carrier of a performance or display of a work embodied in a primary  
14 transmission and is actionable as an act of infringement under section 119(a)  
15 (5), a network station holding a copyright or other license to transmit or  
16 perform the same version of that work shall, for purposes of subsection (b)  
17 of this section, be treated as a legal or beneficial owner if such secondary  
18 transmission occurs within the local service area of that station.

19 (f)(1) With respect to any secondary transmission that is made by a  
20 satellite carrier of a performance or display of a work embodied in a primary  
21 transmission and is actionable as an act of infringement under section 122, a  
22 television broadcast station holding a copyright or other license to transmit  
23 or perform the same version of that work shall, for purposes of subsection  
24 (b) of this section, be treated as a legal or beneficial owner if such secondary  
25 transmission occurs within the local market of that station.

26 (2) A television broadcast station may file a civil action against any  
satellite carrier that has refused to carry television broadcast signals, as  
required under section 122(a)(2), to enforce that television broadcast  
station's rights under section 338(a) of the Communications Act of  
1934.

Finally, the Copyright Act provides remedies for infringement, including  
injunctions:



1       **§ 502. Remedies for infringement: Injunctions**

2           (a) Any court having jurisdiction of a civil action arising under this title  
3 may, subject to the provisions of section 1498 of title 28, grant temporary  
4 and final injunctions on such terms as it may deem reasonable to prevent or  
restrain infringement of a copyright.

5           (b) Any such injunction may be served anywhere in the United States on  
6 the person enjoined; it shall be operative throughout the United States and  
7 shall be enforceable, by proceedings in contempt or otherwise, by any  
8 United States court having jurisdiction of that person. The clerk of the court  
9 granting the injunction shall, when requested by any other court in which  
enforcement of the injunction is sought, transmit promptly to the other court  
a certified copy of all the papers in the case on file in such clerk's office.

10       **§ 503. Remedies for infringement: Impounding and disposition of**  
11 **infringing articles<sup>4</sup>**

12           (a)(1) At any time while an action under this title is pending, the court  
13 may order the impounding, on such terms as it may deem reasonable—

14           (A) of all copies or phonorecords claimed to have been made or used in  
15 violation of the exclusive right of the copyright owner;

16           (B) of all plates, molds, matrices, masters, tapes, film negatives, or other  
17 articles by means of which such copies of phonorecords may be reproduced;  
18 and

19           (C) of records documenting the manufacture, sale, or receipt of things  
20 involved in any such violation, provided that any records seized under this  
subparagraph shall be taken into the custody of the court.

21           (2) For impoundments of records ordered under paragraph (1)(C), the  
22 court  
23 shall enter an appropriate protective order with respect to discovery and use  
24 of any records or information that has been impounded. The protective order  
25 shall provide for appropriate procedures to ensure that confidential, private,  
26 proprietary, or privileged information contained in such records is not  
improperly  
disclosed or used.

(3) The relevant provisions of paragraphs (2) through (11) of section 34(d) of the Trademark Act (15 U.S.C. 1116(d)(2) through (11)) shall extend to any impoundment of records ordered under paragraph (1)(C) that is based upon an ex parte application, notwithstanding the provisions of rule 65 of the Federal Rules of Civil Procedure. Any references in paragraphs (2) through (11) of section 34(d) of the Trademark Act to section 32 of such Act shall be read as references to section 501 of this title, and references to use of a counterfeit mark in connection with the sale, offering for sale, or distribution of goods or services shall be read as references to infringement of a copyright.

(b) As part of a final judgment or decree, the court may order the destruction or other reasonable disposition of all copies or phono records found to have been made or used in violation of the copyright owner's exclusive rights, and of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies or phono records may be reproduced.

#### **§ 504. Remedies for infringement: Damages and profits<sup>5</sup>**

(a) IN GENERAL. — EXCEPT as otherwise provided by this title, an infringer of copyright is liable for either —

(1) the copyright owner's actual damages and any additional profits of the infringer, as provided by subsection (b); or

(2) statutory damages, as provided by subsection (c).

(b) ACTUAL DAMAGES AND PROFITS. — The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages. In establishing the infringer's profits, the copyright owner is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the copyrighted work.

(c) STATUTORY DAMAGES. —

(1) Except as provided by clause (2) of this subsection, the copyright owner may elect, at any time before final judgment is

1 rendered, to recover, instead of actual damages and profits, an award of  
2 statutory damages for all infringements involved in the action, with  
3 respect to any one work, for which any one infringer is liable  
4 individually, or for which any two or more infringers are liable jointly  
5 and severally, in a sum of not less than \$750 or more than \$30,000 as  
6 the court considers just. For the purposes of this subsection, all the parts  
7 of a compilation or derivative work constitute one work.

8 (2) In a case where the copyright owner sustains the burden of  
9 proving, and the court finds, that infringement was committed willfully,  
10 the court in its discretion may increase the award of statutory damages  
11 to a sum of not more than \$150,000. In a case where the infringer  
12 sustains the burden of proving, and the court finds, that such infringer  
13 was not aware and had no reason to believe that his or her acts  
14 constituted an infringement of copyright, the court in its discretion may  
15 reduce the award of statutory damages to a sum of not less than \$200.  
16 The court shall remit statutory damages in any case where an infringer  
17 believed and had reasonable grounds for believing that his or her use of  
18 the copyrighted work was a fair use under section 107, if the infringer  
19 was: (i) an employee or agent of a nonprofit educational institution,  
20 library, or archives acting within the scope of his or her employment  
21 who, or such institution, library, or archives itself, which infringed by  
22 reproducing the work in copies or phonorecords; or (ii) a public  
23 broadcasting entity which or a person who, as a regular part of the  
24 nonprofit activities of a public broadcasting entity (as defined in section  
25 118(f)) infringed by performing a published nondramatic literary work  
26 or by reproducing a transmission program embodying a performance of  
such a work.

(3) (A) In a case of infringement, it shall be a rebuttable  
presumption that the infringement was committed willfully for purposes  
of determining relief if the violator, or a person acting in concert with  
the violator, knowingly provided or knowingly caused to be provided  
materially false contact information to a domain name registrar, domain  
name registry, or other domain name registration authority in  
registering, maintaining, or renewing a domain name used in connection  
with the infringement.

(B) Nothing in this paragraph limits what may be considered  
willful infringement under this subsection.



(C) For purposes of this paragraph, the term "domain name" has the meaning given that term in section 45 of the Act entitled "An Act to provide for the registration and protection of trademark used in commerce, to carry out the provisions of certain international conventions, and for other purposes" approved July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1127).

(d) ADDITIONAL DAMAGES IN CERTAIN CASES. — In any case in which the court finds that a defendant proprietor of an establishment who claims as a defense that its activities were exempt under section 110(5) did not have reasonable grounds to believe that its use of a copyrighted work was exempt under such section, the plaintiff shall be entitled to, in addition to any award of damages under this section, an additional award of two times the amount of the license fee that the proprietor of the establishment concerned should have paid the plaintiff for such use during the preceding period of up to 3 years.

#### § 505. Remedies for infringement: Costs and attorney's fees

In any civil action under this title, the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof. Except as otherwise provided by this title, the court may also award a reasonable attorney's fee to the prevailing party as part of the costs." Title 17, U.S. Copyright Act.

The Defendants all conspired to infringe upon my copyrighted movie, and they are therefore liable for damages.

#### IV. Intellectual Property Theft and Age Discrimination:

The Defendants are also liable for intellectual property theft and age

1 discrimination under Federal law as they stole my intellectual property and  
2 discriminated against me by refusing to accept my movie.

3  
4 V. Head On Damages:

5  
6 The total revenue generated by Ghost Protocol was \$694,710,000 through  
7 theater ticket sales. In addition, there were DVD and blue ray sales of  
8 \$144,500,000. In addition, there were millions of dollars in movie rentals  
9 and subscription sales by Ghost Protocol.  
10

11 The film budget for Ghost Protocol was \$145 million.

12 Because the Ghost Protocol film generated close to \$1 billion, I am asking  
13 for this amount in damages.  
14

15  
16 Date: 12-12-13  
17

18   
Tim McLanahan

19 10518 #2 Park Road

20 Moses Lake, WA 98837  
21 (509) 771-3705  
22  
23  
24  
25  
26

TABLE OF EXHIBITS:

A. Proof of copyright for movie

EXHIBIT A

Copyright

United States Copyright Office

Help

Search

History

Titles

Start Over

## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = Head On

Search Results: Displaying 36 of 299 entries

◀ previous      next ▶

Labeled View

*Head on.***Type of Work:** Text**Registration Number / Date:** TXu000843190 / 1998-06-30**Title:** Head on.**Description:** 1 v.**Copyright Claimant:** Tim McLanahan, 1952- (author of anon. contribution)**Date of Creation:** 1998**Previous Registration:** Prev. reg. as Torn apart, 1982.**Basis of Claim:** New Matter: revisions.**Other Title:** Torn apart**Names:** McLanahan, Tim, 1952-

◀ previous      next ▶

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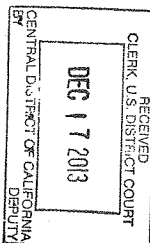
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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

## DEFENDANTS

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

TITLE 17, U.S. CODE - COPYRIGHT INFRINGEMENT

Brief description of cause:

CIVIL SUIT FOR COPYRIGHT INFRINGEMENT

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

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AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE